

#7

DOCKET No.: 0002.12/STE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Patton, J.,

EXAMINER: unassigned

SERIAL No.: 09/577,264

ART UNIT: 1653

FILED: May 22, 2000

**FOR: PULMONARY DELIVERY OF
ACTIVE FRAGMENTS OF
PARATHYROID HORMONE****RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVIDABLY UNDER 37 C.F.R. §1.137(a)**

Attention: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

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Dear Sir:

This is a request for reconsideration of the decision mailed on May 03, 2002 dismissing the Petition for Revival of An Application For Patent Abandoned Unavoidably under 37 C.F.R. 1.37(a) filed by the undersigned on February 25, 2002. This request for reconsideration is being submitted within two months from the mail date of the decision mailed on May 03, 2002. No extensions of time are required.

The Applicant's petition was dismissed for failure to affirmatively state that a search of the file jacket was performed and did not contain the Notice of Missing Parts. This renewed petition has been amended to correct this oversight. Please consider the following renewed petition.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**A. Adequate Showing of Cause of Unavoidable Delay.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 21, 2000. The Notice set a period of reply of two months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR §1.136(a) were obtained. Accordingly, the above-identified

application became abandoned on October 22, 2000. A Notice of Abandonment was mailed on February 11, 2002.

The Notice mailed by the Office was never received by the Applicant.

A search of the file jacket corresponding to Application Serial No. 09/577,264 (Inhale Docket No. 0002.12) was conducted and failed to contain the subject Notice.

A search of all relevant docket records corresponding to Application Serial No. 09/577,264 (Inhale Docket No. 0002.12) was made and failed to reveal receipt of the subject Notice. All incoming mail from the USPTO and relevant due dates are entered into our in-house docketing system, Patsy.

Enclosed is a copy of the Patsy Docket Report corresponding to the instant application which indicates, by the absence of an entry corresponding to the Notice to File Missing Parts, that such Notice was never received by Inhale's internal IP docketing department.

No additional information should be required by the Commissioner.

B. Items Required for Grantable Petition

1. Petition Fee. The requisite petition fee for other than small entity was included in the Petition filed on February 25, 2002, therefore no additional fees are believed necessary for the instant renewed petition. If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500348.

2. Reply and/or Fee associated with the Notice to File Missing Parts. Also submitted with the Petition sent on February 25, 2002 were the basic filing fee and other fees associated with the response to the Notice to File Missing Parts (extra claims fees, surcharge for late filing fee or oath) and a copy of the executed Oath & Assignment from the parent application. No additional items are believed necessary to comply with the requirements for filing a complete reply to the Notice.

C. Conclusion

It is submitted that this renewed petition for revival of the instant application is now in condition for acceptance. In summary, the applicant has provided statements and supporting records in Section A. above showing that the Notice to File Missing Parts was never received. The applicant has also paid the requisite petition fee, and filed a complete reply to the Notice to File Missing Parts including the necessary fees and papers (along with the Petition and accompanying

documents mailed February 25, 2002). It is respectfully submitted that this application be revived on the condition that the application was unavoidably abandoned.

Respectfully submitted,



Susan T. Evans
Registration No. 38,443

Date: July 3, 2002

Correspondence Address:

Inhale Therapeutic Systems
150 Industrial Road
San Carlos, CA 94070

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OPER **SYS** ENTERED **5/26/00** MAILED **2/20/02** ATTORNEYS **STE / NA /** PRINTED ON: **2/21/02**
YOUR# **0002.12** CNTRY **US** UNITED STATES NEW/CON **CON** RELATED **0002.11**
PATS# **P00002US4** TYPE **UTL** SERIAL# **09/577,264** PATENT# STAT **PENDING**
TITLE **PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE** PUB#
CLIENT **INHALE INHALE THERAPEUTIC SYSTEMS** 1 CREF SE **No** Reel
AGENT AREF CLAIMS Frame
PRIOR **9/29/92** MAIL **5/22/00** FILE **5/22/00** PUBL ISSUE EXP 9/29/12 1ST **9/29/82**

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
PU	Y	PUBLICATION	5/22/00										
SC	Y	STATUS CHECK	5/22/00										
NC	Y	NOTIFY CLIENT OF FF	5/22/00										
FS	Y	FILG RCPT STATUS CHK	5/22/00										
PC	Y	POST CARD CHECK	5/22/00										
DS	N	INF DISCLOSURE STMT	5/22/00	6 M	11/22/00		11/22/00	0	4/23/01	1 M	Y	Y	Y
	Y	PRELIM. AMENDMENT	4/22/01										
	N	PETITION TO REVIVE	2/14/02	1 M	3/14/02		3/14/02	0		1 M	Y	Y	Y

INVENTORS

JOHN S. PATTON

PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
0002.11	US	09/128,401	8/3/98	PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE	APPL

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TO: U.S. Patent and Trademark Office Fax No. 703-308-6916
Attn: Office of Petitions

FROM: Susan T. Evans
FAX Reply: (650) 631-3125
Voice Reply: (650) 631-3487

DATE: July 3, 2002
Total Pages: 7
(including this page)

RE: U.S. Serial No. 09/577,264

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The following papers listed below are submitted:

Transmittal

Renewed Petition for Revival of an Application for Patent Abandoned Unavoidably
Under 37 CFR 1.137 (a).

Please type a plus sign (+) inside this box ➔ ☐PTO/SB/21 (8-98)
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<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	09/577,264
	Filing Date	May 22, 2000
	First Named Inventor	John S. Patton
	Group Art Unit	1653
	Examiner Name	Unassigned
Total Number of Pages in This Submission	7	Attorney Docket Number 0002.12

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Renewed Petition for Revival of an Application for Patent
Remarks		RECEIVED JUL 03 2002 OFFICE OF PETITIONS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Susan T. Evans
Signature	<i>Susan T. Evans</i>
Date	<i>July 3, 2002</i>

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: _____		
Typed or printed name		
Signature		Date

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